

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	Cr. No. 95-370-HMH
)	
vs.)	
)	OPINION & ORDER
)	
Vernon Ponds,)	
)	
Movant.)	

This matter is before the court on Vernon Ponds’ (“Ponds”) pro se request for a copy of his indictment, plea agreement, Anders brief, a letter Ponds allegedly wrote to the undersigned in 1996-97, and his Pre-sentence Investigation Report. (Mot. for Records 1.) The court construes Ponds’ motion as one seeking copies of the documents listed above at the Government’s expense. This court construes pro se motions liberally, and such pro se motions are held to a less stringent standard than those drafted by attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). However, even if the court applies this less stringent standard, Ponds’ request for copies at the Government’s expense cannot be granted.

A prisoner who requests free copies of records in his or her criminal case, whether it is a state case or a federal case, must show a particularized need for such records. Jones v. Superintendent, Virginia State Farm, 460 F.2d 150, 152-153 (4th Cir. 1972), reh’g granted, 465 F.2d 1091, 1094 (4th Cir. 1972) (adhering to prior opinion and denying rehearing en banc); Morin v. United States, 522 F.2d 8, 9 (4th Cir. 1975) (applying Jones to federal prisoner). Ponds has not shown a particularized need for the requested records. Accordingly, Ponds’ motion is denied.

Ponds may obtain copies of the documents in his criminal case at his own expense from the appropriate agency or court, if such documents are available to the public.¹

It is therefore

ORDERED that Ponds' motion for copies of records at the Government's expense, docket number 971, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
May 4, 2006

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹The court notes that any Anders brief would have been filed with the United States Court of Appeals with the Fourth Circuit. Therefore, Ponds must obtain a copy of the Anders brief from the Fourth Circuit. Further, the United States Probation Office retains copies of the Pre-sentence Investigation Report.